

Board of Selectmen
Tuesday, August 20, 2013
Conference Room A, Town Hall

A Board of Selectmen meeting was held on Tuesday, August 20, 2013 in Conference Room A at Town Hall with three Selectpersons in attendance, as well as the Town Administrator and the Asst. to the Town administrator (Selectpersons Murphy and Wilkinson not present)

7:08 Meeting Called to Order

Pledge of Allegiance and Moment of Silence

Approval of Minutes of August 6, 2013: postponed until next meeting, insufficient number of voting members who were in attendance at 8/6/13 meeting.

7:15 Underground Conduit Hearing – National Grid:

Selectperson Lucas moved that the Board of Selectmen invoke the Rule of Necessity in order to vote on the underground conduit, as Selectperson Sheedy is representing the owner and was intending to recuse herself from the vote, seconded by Selectperson Sheedy, Vote: 3-0.

Underground Conduit
Hearing – National
Grid

Rule of Necessity
Motion Approved

Chairman Battistelli read the posting in the Gloucester Times regarding the Underground Conduit Hearing regarding Beach Street - National Grid.

Selectperson Lucas moved that the Board open a Public Hearing on the petition of National Grid covering the installation of underground facilities at 52 Beach Street, seconded by Selectperson Sheedy, Vote: 3-0.

Open Public Hearing
Motion Approved

Peter Glenn, 44 River Street, Beverly, stated that National Grid seeks permission to install 25' of conduit (service wires for the house) underground in a public way. He stated that if anything goes wrong, the homeowner is responsible.

J. Weaver questioned if there is a bond involved for the pavement if it needs to be replaced; if it sags years down the road.

DPW Director Parisi said that over the course of time there could be some sagging and it could need to be repaired. He said it's often difficult to get a contractor back years later to take care of it. He said within one year, we will see the most settlement, and we would require that they repair it. All contractors are required to have insurance for that type of work. Water lines and sewer lines are the same type of utility that allows homeowners to have

utilities to their properties. He said we would issue a permit; hopefully the quality won't be below what is expected. J. Parisi offered to work with them to take the best route based on the town's utilities and the street.

S. Jacques questioned if this is the pole that is in the parking space. He said they would have to go under the parking; and questioned if they can build a trench so it's actually on their property to their house.

T. Arsenian, questioned if ten years from now there's a problem, what leverage would the town have with the homeowner.

Director Parisi stated that ten years from now it's the town's responsibility. One year from now, we would call the contractor back.

Close Public Hearing
Motion Approved

Selectperson Sheedy moved that the Board of Selectmen close the Public Hearing, seconded by Selectperson Lucas, Vote: 3-0.

Grant Approval to
National Grid, 52
Beach Street
Motion Approved

Selectperson Sheedy moved that the Selectmen grant approval to National Grid to construct a line of underground electric conduits under and across at 52 Beach Street as shown on the National Grid Plan number 15056345 dated July 15, 2013, in coordination with the DPW director, seconded by Selectperson Lucas, Vote: 3-0.

Selectmen Updates &
Liaison Reports

Selectmen Updates and Liaison Reports: Selectperson Sheedy said the fireworks were phenomenal; it was a wonderful event with perfect weather. It was commented that Susan and Tim Collins did a fabulous job. Chairperson Battistelli said the Farmer's Market has been a huge success. Chairperson Battistelli commented on the Tool Company, she said the Conservation Commission closed the hearing on the Notice of Intent for the in-water work related to the proposed slips; there is an order of conditions. She said Geraldine Falco will forward the information to the Board of Selectmen. There has been filming taking place at the property around an HBO series. The industrial sign came down (it was oversized). The property is on the agenda for the Board of Health tonight to talk about dust mitigation during demolition of the smoke stack and the buildings. The DEP has not received a response to the 7/8 letter looking for information from the applicant. Some of the required items are proof of local approvals that they don't have yet. Perhaps they're waiting to pull the whole package together before sending anything.

Public Comment
Period

Public Comment Period: Peter Goodwin, 6 North Road, said two weeks ago he sent an e-mail regarding the problem of street performers on Bearskin Neck and enforcing regulations. He said each performer has two non-consecutive days; there are four days they can perform. The sound is amplified. The policy says the island of Dock Square or the end of Bearskin Neck or other locations, as specified. He said this is dangerously close to corrupting the signage by-law; performers are in front of businesses. The intent of the performance is to draw people in. Mr. Goodwin doesn't believe

this is enforceable. Chairperson Battistelli said the office has been working on this.

Toby Arsenian, 95 Granite Street, stated we are coming up on the Town Meeting; it is less than one month away. Spoke about Fall Town Meeting Community Preservation Articles, where funds are generally approved for Action, Inc. to stabilize mortgages for Rockport residents. He said this is a good cause, however not optimal for Community Preservation funds. If Rockport had been putting the same funds away each year we would have something substantial. He is requesting that within one month after FTM the Board of Selectmen schedule a workshop, invite the Planning Board and the Rockport Housing Partnership, as well as anyone from the prior town committee, to discuss what the town is going to do for affordable housing.

J. Weaver, 237 Granite Street, wanted to speak on the winter parking ban. He said a new policy was going to be discussed; he said 180 days is a long time to not be able to park in front of your house. He said the City of Beverly has reverse 911 and it works very well; Rockport has reverse 911. He is requesting a change to the parking ban.

Frederick Tarr, 154 Main Street, stated that on page 2 of the Boston Globe, seawalls and revetments due to sea level rise and shoreline changes was mentioned. He said he is afraid that if the Long Beach leases are extended without taking that into consideration, many Long Beach residents will be priced out if they have to pay for the seawall repair. If the town repairs it, that will be \$60M for the townspeople to pay. He recommended securing some funds while waiting for the studies (sand migration, etc.) to be completed.

S. Jacques questioned why the demolition of the smoke stack has stopped. He questioned if the town has a flag etiquette policy. He inquired if there is a policy indicating who is honored by having a flag lowered. He said there are times when the Rockport Fire Station lowers their flag and Town Hall doesn't. He stated that information from the Gloucester Times starts rumors. He questioned who has the authority to sell town land. The Town Administrator said it's in the statutes that only town meeting has the authority – the voters have the authority.

Town Administrator's Report: M. Vieira said the annual Thacher Island visit is being scheduled for Sept. 7. The Board of Selectmen members will alert the office if they plan to attend. Town Hall is preparing to call a meeting for a potential appeal on the flood maps, the Town Administrator is spearheading the project - looking for options during the 90 day window. Employee evaluations have started, the first round are due 9/3/13, then they go to the Personnel Board, then to the Board of Selectmen. Dog Day is scheduled for 9/15/13 from 11 to 3 at Stage Fort Park, Andrea Lucas, Dog Officer, will represent the Town. We'll be making an appointment tonight on the Veteran's agent. The issue of plowing private roads needs to be addressed.

7:30 Action List

Action List:

FTM Warrant Articles: Selectperson Sheedy moved to place Articles A through O on the FTM Warrant, seconded by Selectperson Lucas, Vote: 3-0.

Place FTM Articles on
the Warrant
Motion Approved

Article A: unpaid bills of previous fiscal years, ten bills that arrived after the close of the fiscal year totaling \$7,914. This is a standard article every year. Three board members are in favor of placing this on the warrant.

Article B: traditional article to transfer funds from where they are not needed to where they are needed. There is no effect on the budget. Three board members are in favor placing this on the warrant.

Article C: AFSCME collective bargaining agreements, three board members are in favor of placing this on the warrant. Three of the four unions have settled. If the final union isn't settled by Town Meeting, it will not be in the motion.

Article D: Hearing the CP Report. Three board members are in favor of placing this on the warrant.

Article E: transferring 3% surplus from taxes into CP reserve accounts. Three board members are in favor placing this on the warrant.

Article F: Monies out of undesignated to projects that CPC has proposed. Three board members are in favor placing this on the warrant.

Article G: J. Parisi, DPW Director, is here to explain this article to borrow \$800,000 for additional storm damage to Pigeon Cove Seawall and breakwater. This is beyond our debt capacity, this requires a debt exclusion to cover the costs of the Feb.,2013 blizzard. Some amount of this may be deemed eligible with a high percentage that may be reimbursed by FEMA. Three board members are in favor placing this on the warrant.

Article H: Combining several prior articles for White Wharf, they were two separate articles at the 4/9/12 ATM, they were both borrowed at the same time. Three board members are in favor placing this on the warrant.

Article I: \$56,025 capital project to pay for storm damage repairs to public roadways, parks and beaches. Combining both for this article, three board members are in favor placing this on the warrant.

Toby Arsenian stated that the Back Beach revetment lasted less than one year, he inquired if the town is going after the contractor. Director Parisi

said we had significant storm damage. Three board members are in favor placing this on the warrant.

Action List:

Continued

Article J: \$96,000 for three emergency dispatchers. The staffing plan is to reduce overtime. This will ultimately free up patrol officers. There will be no savings this year; after everyone is trained savings should be realized in subsequent years. Three board members are in favor placing this on the warrant.

Fall Town Meeting
Articles

Article K: \$110,000 for school security and fire upgrades to include additional school telephone systems; the funds are already in place. Three board members are in favor placing this on the warrant.

Article L: Moderator's request that Town Meeting give flexibility to the number of members for the Rights of Way Committee. Currently they don't have enough members so they can't meet. Three board members are in favor placing this on the warrant.

Article M: Blue Gate Nursery property; a pharmacy is considering purchasing it. Two rights of access off of Blue Gate Lane is all town property. Three board members are in favor placing this on the warrant.

Article N: Accept Rightson property as a gift, at the end of South Street, by Cape Hedge Beach. Three board members are in favor placing this on the warrant.

Article O: Zoning amendment to require that the building inspector, in consult with the Planning Board, to establish methodology for determining elevation of lot grade for site preparation. Three board members are in favor placing this on the warrant.

Approve & Sign FTM Warrant Masters: Selectperson Lucas moved that the Board of Selectmen approve and sign the Warrant masters for the September 9, 2013 Fall Town Meeting, seconded by Selectperson Sheedy, Vote: 3-0.

Approve and Sign
FTM Warrant
Masters
Motion Approved

Appointment of Lawrence Stepenuck to the Harbor Advisory Committee: Selectperson Lucas moved to appoint Lawrence Stepenuck to the Harbor Advisory Committee for a one year term to expire on June 30, 2014, seconded by Selectperson Sheedy, Vote: 3-0.

Appointment of
Lawrence Stepenuck
to the Harbor
Advisory Committee
Motion Approved

Appointment of Suzanne Black to the Council on Aging: Selectperson Sheedy moved that the Selectmen appoint Suzanne Black to the Council on Aging for a three year term to expire on June 30, 2016, seconded by Selectperson Lucas, Vote: 3-0.

Appointment of
Suzanne Black to the
Council on Aging
Motion Approved

Appointment of Peter Griffin as Interim Veteran's Agent: Selectperson Lucas moved that the Selectmen appoint Peter Griffin as Interim Veteran's Agent for a one year term to expire on June 30, 2014 or, sooner, if a

Action List:

Continued

Appointment of Peter Griffin as Interim Veteran's Agent
Motion Approved

permanent replacement is appointed, seconded by Selectperson Sheedy, Vote: 3-0. M. Vieira states that P. Griffin comes highly recommended by Lt. Schmink and Police Chief McCarthy. He stated that he was on active duty from 1998 to 2014. He said he joined the Army Reserves for two years, National Guard in Worcester, he served active duty for three years in 2010 in Kuwait, currently stationed out of Dorchester. He said he understands the role of the Veteran's Agent; the Gloucester Veteran's agent has offered to help with orientation as well.

79 Long Beach Cottage Replacement

Postponed

No vote taken

79 Long Beach Cottage Replacement:

The Building Inspector's report is not available for the Board of Selectmen. This could create a hardship with a two week delay for a board vote. This will be postponed to the next meeting. The Conservation Commission will not move on this without Board of Selectmen approval. Toby Arsenian questioned if it will meet the standards; the Town Administrator said it must meet code.

Street Performer's License Pierce Strumpf
Postponed – no vote taken

Street Performer License for Pierce Strumpf: No vote taken, postponed until next meeting.

Economic Development Committee
Wayfinding Project
Motion Approved

EDC Wayfinding Project: Selectperson Lucas moved that the Board of Selectmen approve the Economic Development Committee's Wayfinding Paths Project, seconded by Selectperson Sheedy, Vote: 3-0.

Lana Razdan and Peter Beacham presented. They said they wanted to enhance visitors to and from Rockport; and looked at how people find their way to and from the train station. Looking for something to assist them, and they didn't want more signs. At the Freedom trail in Boston, you look down and follow the path. P. Beacham stated we want to be a friendly town for visitors. There is a map at the station now; there are three different routes to downtown. Three different stencils (diamonds in green, red and blue) will be painted on the sidewalk to be followed to town and back.

Toby Arsenian, 95 Granite Street, said it sounds harmless, sounds like it's not going to cost anything. He questioned if the DPW director indicated what the cross walks were going to cost. It was stated that funds were appropriated at Town Meeting. J. Parisi stated that we're putting some handicap accessible ramps around town at some point; whenever road reconstruction is underway we have to look at that.

Eric Hutchins, Applecart Road, said this is a great idea, but spray painting requires Board of Selectmen approval. He stated that many trails in town have been spray painted without Board of Selectmen approval.

S. Jacques spoke about the narrowness of the sidewalk; he said a parking space will be lost.

Frederick Tarr, Main Street, wanted to address E. Hutchins' comments, he said there is painting in the woods and Dog Town. He continued to say that

some people would prefer we people stay out of the woods, the woods are no one's personal property.

Capital Improvement Planning Committee Representation: Selectperson Sheedy moved that the Selectmen designate Erin Battistelli and Eliza Lucas as their representatives on the Capital Improvement Planning Committee, seconded by Selectperson Lucas, Vote: 3-0.

Capital Improvement
Planning Committee
representation
Motion Approved

8:10 Discussion Items

Long Beach Facts & Considerations: Chairperson Battistelli said she thought the forum went well and stated that the Town Administrator moderated very well. Many legal considerations have been given to the Board of Selectmen already. She said appraisers have been contacted about the two remaining options for sales price and rental price; appraisers will be working with the Town Administrator. Official notices need to go out alerting residents of official status (90 days). Chairperson Battistelli suggested holding a workshop with Long Beach as the only agenda item when more information is obtained.

Discussion Items:

Long Beach Facts &
Considerations

Public comment: Eric Hutchins, 13 Applecart Road, said he has 15 years of experience in storm assessment with MEMA; his task is to scour the coast after storms. He has raised these issues at DPW and Board of Selectmen meetings in the past. One concern is the overall value of Long Beach for the town. There may not be a parking lot in years, so there won't be public parking. He is requesting a formal impact assessment, geology and environmental impact combined with fiscal. He said he needs professional information to read and digest. The sedimentation study is a part of this, must have fiscal analysis as well. The Town Administrator said we'll be working with an appraiser and fiscal consultant, etc.

S. Jacques said he has read that leaseholders pay taxes on the land that the town owns and they lease. It was discussed that the tenants pay taxes on both the land and the building. They only use the land for one half of a year and pay taxes for a full year.

S. Jacques said he supports what E. Hutchins is saying – we need information to make an informed decision. There is a communications issue here; the Gloucester Times is unreliable and biased. Would the Board of Selectmen be willing to say that Kopelman & Paige has been consulted and if the town repairs the seawall for some amount, the cottage owners would pay a portion.

Toby Arsenian, 95 Granite St., stated that an article in the Gloucester Times implied that the lease was going to be for 30 years; that must be corrected. He agrees with E. Hutchins. What S. Jacques says is true that the public must be informed. The Board of Selectmen makes the decision about the

Discussion Items:

Continued

lease; he continued that he is distressed that decisions were made at the public forum.

Long Beach Facts & Considerations

Zenas Seppala, 92 Granite Street, supports E. Hutchins' position, he said it is critical to get professional information before any decision is made. Many people thought the Tool Company was contaminated, and they didn't have factual data. No information on assessed property rates in the future, but we may lose the \$230,000 for letting the project go as it did.

Chairperson Battistelli said we have 154 cottages on the beach. The Board of Selectmen is responsible for the lease renewal issue. The forum was helpful; people were throwing out all sorts of scenarios, now the choices have been to leasing or selling.

Selectperson Lucas said she would like to gather, with all five Selectpersons, and look at this at a high level. Sort out the issues, are the cottage owners or is the town responsible for the seawall repairs. When the workshop could be scheduled was discussed. It was discussed that perhaps September 10, 2013; or perhaps a Saturday might be necessary.

Selectperson Sheedy said we need to speed this process up for the lease discussion, given the 12/31/13 date.

W. McMillan, 130 Long Beach, spoke about a complaint filed against town fathers, due to fiduciary responsibilities, in another community. He said the Town spent more on legal fees than they did for the property.

Other Business/Announcements

9:35 Selectperson Sheedy moved to adjourn, seconded by Selectperson Lucas, Vote: 3-0.

Warrant signed:

Warrant signed for the Fiscal Year 2013 Payroll and Expenses for the week of 8/22/13 in the amounts of \$184,356.26 and \$260,952.489 respectively.

Items Signed:

Warrant for Fall Town Meeting

Footpaths from MBTA Commuter Rail Station

National Grid – electric conduits